

H.L.C. Bill no.: <u>Title IV</u>
Amendment no.: <u>5</u>
Date offered: <u>6/10/97</u>
Disposition: <u>Defeated</u> <u>7/1/97 10-35</u>

**AMENDMENT OFFERED BY MR. PALLONE**  
**TO THE MEDICARE SUBSTITUTE OFFERED BY MR.**  
**BILIRAKIS**

At the end of chapter 4 of subtitle A (page 129,  
after line 9), insert the following new chapter:

1       **CHAPTER 5—OFFICE OF MEDICARE**  
2                       **ADVOCACY**

3       **SEC. 4041. OFFICE OF MEDICARE ADVOCACY.**

4       Title XVIII, as amended by section 4021(a), is  
5       amended by inserting after section 1805 the following new  
6       section:

7                       “OFFICE OF MEDICARE ADVOCACY

8       “SEC. 1806. (a) ESTABLISHMENT.—The Secretary  
9       shall establish, within the Health Care Financing Admin-  
10       istration, an office of **medicare** advocacy (in this section  
11       referred to as the ‘office’), to be headed by a director ap-  
12       pointed by the Secretary.

13       “(b) PURPOSE.—The office shall provide, in accord-  
14       ance with this section, independent review of problems and  
15       concerns of **medicare** beneficiaries in relation to the pro-  
16       grams under this title, including, but not limited to, com-  
17       plaints concerning **MedicarePlus** plans offered under part  
18       C.

19       “(c) ACCESS.—In order to carry out its functions, the  
20       office shall provide for a toll-free telephone number

1 through which medicare beneficiaries can obtain assist-  
2 ance in the programs under this title, including providing  
3 comparative information on MedicarePlus plans offered  
4 under part C. The office also shall undertake such addi-  
5 tional outreach activities, such as the use of town meetings  
6 and development of an appropriate Internet site, as most  
7 effectively and efficiently promotes dissemination of infor-  
8 mation to *medicare* beneficiaries.

9       “(d) **RECEIPT AND DISPOSITION OF COMPLAINTS.—**  
10 The office shall provide for a record of the types of com-  
11 plaints and problems received and shall submit to the Sec-  
12 retary and publish an annual report on the nature of such  
13 complaints and problems, the disposition with respect to  
14 such complaints and problems, and such other additional  
15 information as the Secretary may specify.

16       “(e) **EXPEDITED REVIEW PROCESS FOR COM-**  
17 **PLAINTS UNDER EMERGENCY CIRCUMSTANCES.-**

18               “(1) **IN GENERAL.-**Under regulations of the  
19 Secretary, the office shall have authority to provide  
20 for an expedited review and resolution of complaints  
21 under emergency circumstances, including those de-  
22 scribed in paragraph (2). Such reviews and resolu-  
23 tions shall be conducted to the greatest extent prac-  
24 ticable through regional and local agencies.

1           “(2)     E M E R G E N C Y     C I R C U M S T A N C E S     D E -  
2     S C R I B E D.—The emergency circumstances described  
3     in this paragraph are cases in which-

4           “(A) a delay in treatment resulting from  
5     application of the usual hearing and appeals  
6     process may endanger the life of the bene-  
7     ficiary, result in a loss of function or a signifi-  
8     cant worsening of a condition, or render treat-  
9     ment ineffective; or

10          “(B) an advanced directive (as **defined** in  
11     section 1866(f)(3)) or other end-of-life pref-  
12     erence is involved.”.